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DEPARTMENT OF THE ARMY
U.S. ARMY CRIMINAL INVESTIGATION COMMAND
Camp Cropper CID Office
24th/348th MP DET (CID), Camp Cropper, Iraq APO AE 09342

20 Nov 2008

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: CID REPORT OF INVESTIGATION - FINAL (C)/SSI - 0032-2008-CID789-53214 -
6C8 / 5X5 / 5X6 / 5Y2B0 / 5Y2E / 5C2B

DATES/TIMES/LOCATIONS OF OCCURRENCES:

1. 11 AUG 2008, 0001 - 11 AUG 2008, 2359; SHOWER CELL 3, SPECIAL HOUSING UNIT, THEATER INTERNMENT FACILITY, CAMP CROPPER, IRAQ, AE 09342

2. 15 JUL 2008, 0001 - 19 OCT 2008, 2359; SPECIAL HOUSING UNIT, THEATER INTERNMENT FACILITY, CAMP CROPPER, IRAQ, AE 09342

3. 15 JUL 2008, 0001 - 01 AUG 2008, 2359; SPECIAL HOUSING UNIT, THEATER INTERNMENT FACILITY, CAMP CROPPER, IRAQ, AE 09342

4. 21 OCT 2008, 0800 - 21 OCT 2008, 2359; UNKNOWN LOCATION, CAMP CROPPER, IRAQ, AE 09342

DATE/TIME REPORTED: 19 OCT 2008, 1550

INVESTIGATED BY:

(b)(6) (b)(7)(C) (b)(3), (b) (7)(E)

SUBJECT:

1. MILLER, DUSTIN TROY; SPC (b)(6) (b)(7)(C) (b)(3) (DOB); (POB); MALE; WHITE; HEADQUARTERS AND HEADQUARTERS COMPANY, 744TH MILITARY POLICE BATTALION, CAMP CROPPER, IRAQ, ARMED FORCES AFRICA, CANADA, EUROPE & MIDDLE EAST 09342; CT ; [FAIL TO OBEY GENERAL ORDER].

2. KISHBACH, CHRISTOPHER CALVIN; PFC; (b)(6) (b)(7)(C) (b)(3) (DOB); (POB);

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MALE; WHITE; HEADQUARTERS AND HEADQUARTERS COMPANY, 744TH MILITARY POLICE BATTALION, CAMP CROPPER, IRAQ, ARMED FORCES AFRICA, CANADA, EUROPE & MIDDLE EAST 09342; CT ; [MISPRISION SERIOUS OFFENSE]

3. PORTER, GREGORY GODFREY; SSG; (b)(6) (b)(7)(C) (b)(3) (DOB); (POB); MALE; WHITE; HEADQUARTERS AND HEADQUARTERS COMPANY, 744TH MILITARY POLICE BATTALION, CAMP CROPPER, IRAQ, ARMED FORCES AFRICA, CANADA, EUROPE & MIDDLE EAST 09342; CT ; [MISPRISION SERIOUS OFFENSE], [FAIL TO OBEY GENERAL ORDER]

4. OVERSON, WESTON JON; SPC; (b)(6) (b)(7)(C) (b)(3) (DOB); (POB); MALE; WHITE; HEADQUARTERS AND HEADQUARTERS COMPANY, 744TH MILITARY POLICE BATTALION, CAMP CROPPER, IRAQ, ARMED FORCES AFRICA, CANADA, EUROPE & MIDDLE EAST 09342; CT ; [MISPRISION SERIOUS OFFENSE]

5. SMITH, CHRISTOPHER WILLIAM; SSG; (b)(6) (b)(7)(C) (b)(3) (DOB); (POB); MALE; WHITE; HEADQUARTERS AND HEADQUARTERS COMPANY, 744TH MILITARY POLICE BATTALION, CAMP CROPPER, IRAQ, ARMED FORCES AFRICA, CANADA, EUROPE & MIDDLE EAST 09342; CT ; [OBSTRUCTION OF JUSTICE], [CRUELTY AND MALTREATMENT], [ABUSIVE SEXUAL CONTACT (ADULT)], [ASSAULT]

6. ROSICA, MATTHEW PETER; SGT; (b)(6) (b)(7)(C) (b)(3) (DOB); (POB); MALE; WHITE; HEADQUARTERS AND HEADQUARTERS COMPANY, 744TH MILITARY POLICE BATTALION, CAMP CROPPER, IRAQ, ARMED FORCES AFRICA, CANADA, EUROPE & MIDDLE EAST 09342; CT ; [FAIL TO OBEY GENERAL ORDER]

VICTIM:

1. (b)(6) (b)(7)(C) FRCIV; (POB); (DOB); (POB); MALE; WHITE; THEATER INTERNMENT FACILITY, (b)(6) (b)(7)(C) CAMP CROPPER, IRAQ, ARMED FORCES AFRICA, CANADA, EUROPE & MIDDLE EAST 09342; XZ ; [CRUELTY AND MALTREATMENT], [ASSAULT] (NFI)

2. (b)(6) (b)(7)(C) FRCIV; IRAQ; (DOB); (POB); MALE; WHITE; (b)(6) (b)(7)(C) THEATER INTERNMENT FACILITY, CAMP CROPPER, IRAQ, ARMED FORCES AFRICA,

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CANADA, EUROPE & MIDDLE EAST 09342; XZ ; [CRUELTY AND MALTREATMENT], [ASSAULT]; JUVENILE - THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

3. UNKNOWN-2063882-0032-2008-CID789-I ; [CRUELTY AND MALTREATMENT], [ABUSIVE SEXUAL CONTACT (ADULT)] (NFI)

4. U.S. GOVERNMENT; [OBSTRUCTION OF JUSTICE], [MISPRISION SERIOUS OFFENSE], [FAIL TO OBEY GENERAL ORDER]

5. (b)(6) (b)(7)(C) (b)(3)
THEATER INTERNMENT FACILITY (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) CAMP CROPPER, IRAQ, ARMED FORCES AFRICA, CANADA, EUROPE & MIDDLE EAST 09342; XZ ; [CRUELTY AND MALTREATMENT], [ABUSIVE SEXUAL CONTACT (ADULT)] (b)(6) (b)(7)(C) (b)(3) THIS RECORD MAY BE RELEASED ONLY AS AUTHORIZED BY AR 195-2, PARAGRAPH 4-3F

INVESTIGATIVE SUMMARY:

This is an Operation Iraqi Freedom Investigation.

MPI, 744th MP BN, Camp Cropper, Iraq (IZ), reported (b)(6) (b)(7)(C) (b)(3)
(b)(6) (b)(7)(C) (b)(3) made allegations of detainee abuse within the Special Housing Unit, Theater Internment Facility, Camp Cropper, IZ.

Investigation determined SSG SMITH committed the offenses of Abusive Sexual Contact and Cruelty and Maltreatment when he struck (b)(6) (b)(7)(C) (b)(3) and another unknown detainee in the genitals, during a search for contraband. Further, SSG SMITH committed the offense of Assault Consummated by Battery, Cruelty and Maltreatment, and Obstruction of Justice when he struck (b)(6) (b)(7)(C) multiple times in the shower and (b)(6) (b)(7)(C) (b)(3) inside a segregation cell, and subsequently instructed witnesses to deny knowledge of the abuse or request an attorney during their interviews. SSG SMITH denied assaulting detainees or instructing witnesses to deny knowledge of his actions.

SSG PORTER, SGT ROSICA, and SPC MILLER admitted they committed the offense of Failure to Obey an Order or Regulation when they observed SSG SMITH assault detainees, but

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subsequently failed to report the assault as required by 744th MP BN's standard operating procedures. Additionally, SSG PORTER, SPC OVERSON, and PFC KISHBACH admitted they committed the offense of Misprision of a Serious Offense when they observed SSG SMITH unnecessarily strike detainees in the genitals, but failed to report SSG SMITH's actions.

STATUTES:

Article 92, UCMJ: Failure to Obey Order or Regulation
Article 93, UCMJ: Cruelty and Maltreatment
Article 120, UCMJ: Abusive Sexual Contact
Article 128, UCMJ: Assault
Article 134, UCMJ: Obstructing Justice
Article 134, UCMJ: Misprision of a Serious Offense

EXHIBITS:

Attached:

1. Agent's Investigation Report (AIR) of (b)(6) (b)(7)(C) (b)(3) 22 Oct 08.
2. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 19 Oct 08.
3. Waiver Certificate and Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 9 Oct 08.
- 4-1 thru 4-3. Canvass Interview Worksheets, 20 Oct 08.
5. Special Housing Unit personnel schedules.
6. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 20 Oct 08.
7. English translation of Iraqi Correctional Office (b)(6) (b)(7)(C) Sworn Statement, 20 Oct 08.
8. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 21 Oct 08.
9. Waiver Certificate and Sworn Statement of SSG PORTER, 21 Oct 08.

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10. Sworn Statement of (b)(6) (b)(7)(C) (b)(3), 21 Oct 08.
11. Chronological Record of Medical Care pertaining to Mr. (b)(6) (b)(7)(C) 19 Oct 08.
12. Waiver Certificate of (b)(6) (b)(7)(C) (b)(3) 21 Oct 07.
13. Special Housing Unit personnel schedules.
14. Waiver Certificate and Sworn Statement of SPC MILLER, 22 Oct 08.
15. AIR of (b)(6) (b)(7)(C) (b)(3) 22 Oct 08.
16. Rough Sketch depicting Crime Scene, 22 Oct 08.
17. Photographic Packet (Crime Scene).
18. AIR of (b)(6) (b)(7)(C) (b)(3) 19 Nov 08.
19. Canvass Interview Worksheet, 22 Oct 08
20. Waiver Certificate of PFC KISHBACH, 22 Oct 08.
21. Waiver Certificate and Sworn Statement of SPC OVERSON, 22 Oct 08.
22. Special Housing Unit Shower/Recreation Log, 11 Aug 08.
23. Copy of page within A Block Pass on Book, 11 Aug 08.
24. Evidence/Property Custody Document, Document Number 0917-08.
25. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 23 Oct 08.
26. Sworn Statement of SPC SMITH, 23 Oct 08.
27. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 23 Oct 08.

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28. Waiver Certificate and Sworn Statement of PFC KISHBACH, 23 Oct 08.
29. Waiver Certificate and Sworn Statement of SSG SMITH, 24 Oct 08.
30. Waiver Certificate and Sworn Statement of SSG PORTER, 25 Oct 08.
31. English translation and Photo Array of Mr. (b)(6) (b)(7)(C) Sworn Statement (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) 27 Oct 08.
- 32-1 thru 32-2. Canvass Interview Worksheets, 27 Oct 08.
33. Waiver Certificate of (b)(6) (b)(7)(C) (b)(3) 30 Oct 08.
34. Sworn Statement of (b)(6) (b)(7)(C) (b)(3) 31 Oct 08.
35. Parental/Guardian Consent Form, English Translation, and Photo Array of Mr. (b)(6) (b)(7)(C) (b)(6) (b)(7)(C) Sworn Statement (former (b)(6) (b)(7)(C) 3 Nov 08.
36. Waiver Certificate and Sworn Statement of SGT ROSICA, 13 Nov 08.
37. Arabic Sworn Statement of Iraqi Correctional Officer (b)(6) (b)(7)(C) 20 Oct 08. (USACRC and file copy only)
38. Arabic Sworn Statement of Mr. (b)(6) (b)(7)(C) 27 Oct 08. (USACRC and file copy only)
39. Arabic Sworn Statement of Mr. (b)(6) (b)(7)(C) 3 Nov 08. (USACRC and file copy only)
40. Polygraph Memorandum, 11 Nov 08. (USACRC and file copy only)
41. Polygraph Memorandum, 12 Nov 08. (USACRC and file copy only)
42. Polygraph Memorandum, 12 Nov 08. (USACRC and file copy only)
43. Compact Disc containing original photographic images of Exhibit 17. (USACRC and file

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copy only)

Not Attached:

None.

The originals of Exhibits 1-4, 6-12, 14-22, and 25-43 are forwarded with the USACRC copy of this report. The originals of Exhibits 5 and 13 are retained in the files of the Segregated Housing Unit, Theater Internment Facility, Camp Cropper, Iraq APO AE 09342. The originals of Exhibits 23 and 24 are retained in the files of the Consolidated Evidence Depository, 10th MP BN (CID), Camp Victory, Iraq APO AE 09342.

STATUS: This is a Final (C) Report. Commander's Report of Disciplinary or Administrative Action (DA Form 4833) is pending.

CID reports of investigation may be subject to a Quality Assurance Review by CID higher headquarters.

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Report Prepared By:

(b)(6) (b)(7)(C) (b)(3)

Report Approved By:

(b)(6) (b)(7)(C) (b)(3)

DISTRIBUTION:

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CDR, 10th MP BN (CID), Camp Victory, Iraq, APO AE 09342

CDR, 24th/348th MP DET (CID), Camp Slayer, Iraq APO AE 09342

OPS Officer, 34th/348th MP DET (CID), Camp Slayer, Iraq APO AE 09342

CDR, 744th MP BN, Camp Cropper, Iraq APO AE 09342

(b)(6) (b)(7)(C) (b)(3)

PMO, VBC, IRAQ APO AE 09342

FILE